



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/281,464	03/30/1999	FOLKERT HORST	0690811-0007	7264

7590 04/11/2003

GREGORY A SEBALD
MERCHANT & GOULD PC
P O BOX 2903
MINNEAPOLIS, MN 55402-0903

EXAMINER

PHU, PHUONG M

ART UNIT	PAPER NUMBER
----------	--------------

2631

DATE MAILED: 04/11/2003

18

Please find below and/or attached an Office communication concerning this application or proceeding.

92

Office Action Summary

Application No.

09/281,464

Applicant(s)

HORST ET AL.

Examiner

Phuong Phu

Art Unit

2631

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 August 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-155 is/are pending in the application.
- 4a) Of the above claim(s) 23-25 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 53-83 and 106-155 is/are allowed.
- 6) ☒ Claim(s) 1-22, 26-29, 34-42, 48-52, 84 and 100-103 is/are rejected.
- 7) ☒ Claim(s) 30-33, 43-47, 85-99, 104 and 105 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6-8, 12, 16. 6) ☐ Other: _____

DETAILED ACTION

1. This Office Action is responsive to the election filed on 8/20/02. Accordingly, claims 1-55 are pending; claims 1-22 and 27-155 are selected; and claims 23-25 are withdrawn from consideration.

Election/Restrictions

2. Applicant's election with traverse of group I: claims 1-22 and 27-155 in Paper No. 17 is acknowledged. The traversal is on the ground(s) that the examination of all claims does not create a serious burden for the examiner beyond the burden that would be involved in examining the claims of group I. This is not found persuasive because group I does not include method for assigning addresses, as claimed in group II: claims 23-25, which is classified in class 710; and therefore, it is not needed for examination of group I to search in class 710.

The requirement is still deemed proper and is therefore made FINAL.

Priority

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-4, 6-10, 12-17, 19, 21, 40, 48 and 50 are rejected under 35 U.S.C. 102(b) as being anticipated by Kiriama (5,729,210).

Art Unit: 2631

As per claims 1, 6, 19 and 21, see figures 3-7, and col. 3, line 1 to col. 5, line 9, Kiriyaama discloses a method and associated system (figure 3) having a transmitting unit (20) and a receiving unit (30) wherein the method/system comprises:

step/means (22) having a first input for receiving an input signal (functional code) from means (21) wherein a transmitting unit (20) is operative to transmit said signal;

step/means (25) for storing a tag data element;

step/means (22) having a second input for receiving from means (25) a data element signal indicative of a first identifier (identification code), said signal transmitting unit being responsive to an input data element received from means (13) to store in the tag data element the data indicative of the first identifier; and

step/means (22, 24) for generating an output signal, said output signal being derived from the input signal and the tag data element and for outputting the output signal wherein the receiving unit receives said output signal for implementing an action.

As per claims 2, 7 and 13, Kiriyaama discloses an interface (23) suitable for wireless communication (see figure 3).

As per claims 3, 8 and 15, Kiriyaama discloses that said interface is an infrared interface (see col. 3, lines 13-15).

As per claims 4, 9, 10, 16 and 17, said first identifier is a personal ID code number associated with the receiving unit (30) (see figures 3 and 6).

As per claim 14, Kiriyaama discloses a processing unit (10) for transmitting the input data element (see figure 3).

As per claim 40, see figures 3-7, and col. 3, line 1 to col. 5, line 9, Kiriyaama discloses a method and associated system comprising:

storing step/means (11) for storing an identifier associated with a transmitting unit (20);
interface step/means (12, 14) for transmitting to a reception means (23) said identifier via a first communication link; and

transmitting step/means (22, 24) for transmitting to a receiving unit (30) via a second communication link a signal conveying said identifier (PERSONAL ID CODE) and a command (FUNCTIONAL CODE) for a remote-controllable action (see figure 6).

As per claims 48 and 50, Kiriyaama discloses that the first communication link is an IR transmission link (see figure 3, and col. 3, lines 13-15).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 5, 11, 18, 20, 22, 26-29, 34-39, 41, 42, 49, 51, 52, 48 and 100-103 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kiriyaama.

As per claims 5, 11, 18, 20 and 22, Kiriyaama does not disclose that said tag data element contain the first identifier and a second identifier wherein the second identifier associated with the transmitting unit. In Kiriyaama, said tag data element contains only the first identifier (identification code (PERSONAL ID CODE)) which can be said to be associated with both the transmitting unit and the receiving unit, wherein the first identifier is retrieved later and sent to

Art Unit: 2631

the receiving unit. Further, Kiriya discloses that other types of identification codes can be used to assure the communication between the transmitting unit and the receiving unit (see col. 7, lines 15-19). On the other hand, in a communication between a transmitter and a receiver, using both the transmitter's identifier and the receiver's identifier and sending them the receiver to assure the communication is well-known in the art, and the examiner takes Official Notice. It would have been obvious that ones skilled in the art, when building Kiriya, could implement said tag data element to contain both the transmitting unit's identifier and the receiving unit's identifier wherein these identifiers would be retrieved later to send to the receiving unit in order to assure the communication between the transmitting unit and the receiving unit.

As per claim 41, Kiriya discloses that the transmitting step/means transmits the signal to the receiving unit located on a remote-controllable functioning device (30) (see figures 3 and 6). Kiriya does not disclose the storing step/means stores an identifier of said receiving unit. However, with the similar reason set forth for claims 5, 11, 18, 20 and 22, it would have been obvious that ones skilled in the art, when building Kiriya, could implement the storing step/means to store both the transmitting unit's identifier and the receiving unit's identifier for the identification code (PERSONAL ID CODE) wherein these identifiers (PERSONAL ID CODE) would be retrieved later to send by means (22, 24) to the receiving unit in order to assure the communication between the transmitting unit and the receiving unit.

As per claim 42, as applied to claim 41, Kiriya discloses a message building means (22, 24) for constructing a message containing the (PERSONAL ID CODE) and a command to be transmitted (see figure 6).

Art Unit: 2631

As per claim 49, Kiriyaama disclose a interface control means (22) for communicating with said message building means, and for receiving commands from means (21) (see figure 3).

As per claims 51 and 52, Kiriyaama does not disclose that the remote-controllable action is accelerating or braking. However, Kiriyaama's novelty is for controlling actions or operations of a remote device. It would have been obvious for one skilled in the art to implement Kiriyaama for remotely controlling operations of an operating means, e.g., a vehicle means, in such a way that the remote-controllable action could be accelerating or braking of said vehicle means.

As per claim 26, see figures 3-7, and col. 3, line 1 to col. 5, line 9, Kiriyaama discloses:
interface step/means (23) for receiving from means (13) an identifier (identification code (PERSONAL ID CODE)) associated with a receiving unit (30) via a first communication link from means (13) to a transmitting unit (20); and

signal transmitting step/means (24) for transmitting to the receiving unit a signal over a second communication link, the signal including a command (FUNCTIONAL CODE) for causing an action to be performed by a device and the identifier (PERSONAL ID CODE).

Kiriyaama discloses that the second communication link is an IR link not RF link. However, it is well-known in the art that in wireless communications, base on system requirement, IF links or RF links can be used for transmission between two remote stations, for instance, Kiriyaama also discloses such teaching (see col. 7, lines 23-26). It would have been obvious for one skilled in the art to implement Kiriyaama in his system in such a way that the second communication link could be an RF link for transmission of the signal to the receiving unit.

As per claim 27, Kiriyaama discloses a storing step/means (25) for storing the identifier.

Art Unit: 2631

As per claim 28, Kiriyaama does not disclose that step/means (25) stores an identifier of said transmitting means. However, with the similar reason set forth for claims 5, 11, 18, 20 and 22, it would have been obvious that ones skilled in the art, when building Kiriyaama, could implement the storing step/means to store both the transmitting unit's identifier and the receiving unit's identifier for the identification code (PERSONAL ID CODE) wherein these identifiers (PERSONAL ID CODE) would be retrieved later to send by means (22, 24) to the receiving unit in order to assure the communication between the transmitting unit and the receiving unit.

Claim 29 is rejected with the same reason set forth for claim 42.

As per claim 34, Kiriyaama discloses that said storing step/means outputs the identifier to the interface step/means (see figure 3).

Claims 35 and 39 is rejected with the similar reason set forth for claim 48 and 50.

Claim 36 and 37 are rejected with similar reasons set forth for claims 51 and 52.

Claim 38 is rejected with similar reason set forth for claim 49

As per claim 84, see figures 3-7, and col. 3, line 1 to col. 5, line 9, Kiriyaama discloses a method and associated system comprising:

a receiving unit (30) for mounting on a device; and

a transmitter (20) for transmitting for transmitting to the receiving unit a wireless signal over a first communication link, the wireless signal including a command for causing an action to be performed by the device;

wherein said receiving unit responsive to the wireless signal to generate controls to the device to execute the command; and

said receiving unit receives from means (10) over a second communication link an identifier associated with the transmitter; and the wireless signal includes said identifier.

Kiriyama discloses that the first communication link is a IR link not a RF link. However, with a similar reason set forth for claim 26, it would have been obvious that one skilled in the art, when building Kiriyama for his system, could implement the first communication link as a RF link for signal transmissions.

As per claim 100, see figures 3-7, and col. 3, line 1 to col. 5, line 9, Kiriyama discloses a method and associated system comprising:

step/means (20) for providing a transmitter ;

step/means (13, 23) for communicating to the transmitter an identifier (identification code (PERSONAL ID CODE)) associated with a receiving unit (30) over a first communication link; and

step/means (22, 24) for transmitting to the receiving unit a wireless signal over a second communication link, the wireless signal including a command for causing an action to be performed by a device, and the identifier.

Kiriyama discloses that the second communication link is is a IR link not a RF link. However, with a similar reason set forth for claim 26, it would have been obvious that one skilled in the art, when building Kiriyama for his system, could implement the second communication link as a RF link for signal transmissions.

As per claim 101, Kiriyama discloses step/means (25) for storing the identifier.

As per claim 102, Kiriyama does not disclose step/means (25) for storing the identifier of said transmitter. However, with similar reasons set forth for claims 5, 11, 18, 20 and 22, It

Art Unit: 2631

would have been obvious that ones skilled in the art, when building Kiriya, could implement said step/means (25) for receiving and storing both the transmitting unit's identifier and the receiving unit's identifier included in the identification code (PERSONAL ID CODE) wherein these identifiers would be retrieved later to send to the receiving unit in order to assure the communication between the transmitting unit and the receiving unit.

Claim 103 is rejected with similar reasons set forth for claim 42.

Allowable Subject Matter

8. Claims 53-83 and 106-155 are allowed.
9. Claims 30-33, 43-47, 85-99, 104 and 105 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

10. The applicant is hereby notified that the IDS filed on 3/29/01 is not considered as a prior art.
11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuong Phu whose telephone number is 703-308-0158. The examiner can normally be reached on M-F (8:30-6:00) First Monday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on 703-305-4378. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Art Unit: 2631

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

Phuong Phu
Primary Examiner
Art Unit 2631

Phuong Phu
Phuong Phu
April 3, 2003